



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Stephen G. & Lynette Swedberg
DOCKET NO.: 19-00522.001-R-1
PARCEL NO.: 18-001-014-00

The parties of record before the Property Tax Appeal Board are Stephen G. & Lynette Swedberg, the appellants, by attorney Michael A. Toepfer, of Vincent Roth Toepfer & Leinen PC in Galena; and the Jo Daviess County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the **Jo Daviess County Board of Review** is warranted. The correct assessed valuation of the property is:

LAND: \$75,350
IMPR.: \$48,056
TOTAL: \$123,406

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Jo Davies County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2019 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a one-story lake front dwelling of frame exterior construction with 1,232 square feet of living area. The dwelling was constructed in 1983. Features of the home include a basement with finished area, central air conditioning and two fireplaces. The property has a 19,602 square foot site, 197 linear feet of shoreline frontage with a bay lake location and is located in Apple River, Thompson Township, Jo Davies County.

The appellants contend assessment inequity with respect to the land as the basis of the appeal. The improvement assessment was not challenged. In support of this argument the appellants submitted information and property record cards on four comparables located in the subject's Apple Canyon Lake subdivision. The comparables have sites that range in size from 21,780 to 61,855 square feet of land area and have from 205 to 222 linear feet of shoreline. Three of the comparables have a main or point lake location and one comparable has a bay location. The

comparables have land assessments ranging from \$74,793 to \$85,791 or from \$1.21 to \$3.94 per square foot of land area and from \$359.61 to \$386.45 per linear foot of shoreline.

The appellants' attorney submitted a written brief arguing the Jo Davies Chief County Assessor and board of review, in its 2019 quadrennial reassessment of lake frontage lots in the subject's subdivision, based land assessments solely on linear shoreline feet. The attorney asserted that at the board of review hearing, the appellants were told simply that there is a premium for lake frontage. The appellants' attorney summarized the board of review's land valuations as being determined by the number of linear shoreline feet with 1 to 100 feet valued at \$3,500 per foot, 101 to 200 feet at \$1,400 per foot, 201 to 300 feet valued at \$1,100 per linear foot and 301 feet or more valued at \$400 per linear foot. The appellants' attorney asserted that, in addition to shoreline footage, other site factors such as land area, slope and lake location should be considered in the determination of lake lot assessments. The attorney claimed that no sale figures were found to support the increase in the land assessment of the subject property which was reported to be 178% higher than the subject's 2018 land assessment.

In addition to the four comparable sales, the appellants also submitted a second table with 14 properties from the subject's subdivision. The table provided 2018 and 2019 assessments along with linear feet of shoreline for these properties. The appellants argued this information demonstrated the inequitable results obtained by the board of review's 2019 revaluation methodology. Based on this evidence, the appellants requested the subject's land assessment be reduced to \$33,123 or \$1.69 per square foot of land area and \$168.14 per linear foot of shoreline.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$139,980. The subject property has a land assessment of \$91,924 or \$4.69 per square foot of land area and \$466.62 per linear foot of shoreline. In support of its contention of the correct assessment the board of review submitted information on 16 equity comparables located in the Apple Canyon Lake subdivision. The comparables have sites that range in size from 15,682 to 77,972 square feet of land area, twelve of which had shoreline frontage ranging from 104 to 190 linear feet. The comparables have land assessments that range from \$2,000 to \$88,658 or from \$0.06 to \$3.74 per square foot of land area. Twelve of the comparables have land assessments of \$318.49 or \$466.62 per linear foot of shoreline.

The board of review also submitted comments stating Thompson Township and all properties in Apple Canyon Lake were reassessed for the 2019 quadrennial assessment period according to sales from 2016, 2017 and 2018. It stated that Apple Canyon Lake had very few vacant lake front parcels and that only one had been listed for sale. The board of review described its methodology in determining lake front lot assessments as follows: "Since there are few if any vacant lake front lots available for sale or sold; the value was determined on no view lots first and then applied to the houses with no views. The house value was then used for the Lake Front properties which then determined the land or Lake Front property values." The board of review then critiqued the appellants' comparables noting that most were outside the 101 to 200-foot range of shoreline like the subject property. Based on this evidence, the board of review requested the subject's assessment be confirmed.

Conclusion of Law

The taxpayers contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that reliance on land assessment data in the subject's subdivision, generated by the same 2019 revaluation methodology as the subject's land assessment, would be self-validating to a uniformity argument. Therefore, the Board shall analyze the land assessments resulting from the application of the per linear shoreline footage methodology employed by the board of review.

Analysis of the land assessments in the subject's subdivision, after the 2019 revaluation, suggests a lack of uniformity. Of note are three properties presented by the appellants with lot sizes of 41,382, 41,818 and 45,738 square feet of land area, linear shoreline footage of 352, 310 and 354, respectively which had land assessments of \$1.13, \$0.99 and \$0.90 per square foot of land area and either \$133.32 or \$116.28 per linear foot of shoreline. This compares to the subject's 19,602 square foot site with a land assessment of \$91,924 or \$4.69 per square foot of land area and \$466.62 per linear foot of shoreline. The revaluation methodology utilized by the board of review, results in lower overall land assessments for these three lots which are substantially larger in land area and have at least 100 feet more shoreline frontage than the subject property. While generally accepted real estate theory states that per unit values decline as the number of units increases, this theory is predicated on the underlying assumption that "all things being equal." This valuation theory does not hold with respect to the subject's land assessment when compared to the assessments of three properties that are larger in land area and have a greater number of shoreline linear feet.

The board of review comparables include one listing of vacant land and one closed sale which sold in October 2018 and included the demolition of an existing improvement. The board of review did not indicate that either of these properties were considered in its 2019 revaluation of lake front lots in the subject's subdivision. Furthermore, the board of review's methodology, based on lake frontage only, ignores other relevant features of a site such as land area, lake location, grade and/or other amenities that may be present. In addition, the Board finds the board of review failed to submit vacant land sales, or any other market data, in the Apple Canyon Lake subdivision to support its per shoreline linear foot values as applied to the subject's lake front parcel.

As evidenced by assessment information submitted for lake front lots exceeding 300 feet of shoreline, the Board finds that the revaluation methodology utilized by the board of review results in inequitable land assessments in the subject's subdivision. Based on this limited record the Board finds the appellants demonstrated with clear and convincing evidence that the subject's land was inequitably assessed and a reduction in the subject's assessment is justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: December 21, 2021



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

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